IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 351 of 2003

Between:

1. B.Laxman S/o B.Pochaiah
2. S.Asiri Naidu S/o Musalaiah ..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep. by Principal Secretary
Agriculture & Cooperation Department, A.P. Secretariat,

Hyderabad.

2 Government of Andhra Pradesh, rep. by Principal Secretary
Public Enterprise (PE Department), A.P. Secretariat,

Hyderabad.

3 A.P. Agro Industries Development Corporation, rep. by its

Vice Chairman and Managing Director, Registered Office at

Agro Bhavan, Door No.10-2-3, A.C. Guards, Hyderabad.

4 The Regional Manager, Regional Office, A.P. Agro Industries

Development Corporation, Agro Bhavan, A.C.Guards, Hyderabad.

5 The Regional Manager, Nellore Region,

A.P. Agro Industries Development Corporation, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notice issued by the 3rd respondent in No.Pers/AM(P)/JM/8016/2002 dated 28.12.2002 requiring the Petitioners to opt for voluntary retirement scheme on or before 10.1.2003 under the threat of retrenchment as highly illegal, arbitrary and unjust and consequently set aside the same if necessary by declaring Clause 4 of G.O.MS.NO. 16 Public Enterprise (PE.III) Department dated 22.3.2001 as illegal, arbitrary and unjust.

Counsel for the Petitioner : Mr.DUBA V.NAGARJUNA BABU

Counsel for Respondents 1&2: G.P. FOR AGRICULTURE & COOP.

Counsel for Respondent No.3: Mr.MEHER CHAND NOORI

The Court made the following:

ORDER:

The petitioners filed this petition to list W.P. No. 351 of 2003 "for being mentioned", and therefore, the writ petition is listed under the caption "for being mentioned".

Questioning the notice issued by respondent No.3 in No. Pers/AM(P)/JM/8016/2002, dated 28.12.2002 requiring the petitioners to opt for V.R.S. on or before 10.1.2003, under the threat of retrenchment, the writ petition was filed by the petitioners seeking a direction to the respondents to declare Clause 4 of G.O. Ms. No. 16, Public Enterprise (PE.III) Department, dated 22.3.2001 as illegal, arbitrary and unjust.

This Court along with batch of cases on 8.8.2003 dismissed the writ petition.

Petitioner No.1 is working as Sweeper and petitioner No.2 is Mechanic Grade-III in respondent No.3-Corporation. Both the petitioners state that the belong to Schedule Caste. This Court following the judgment of this Court in W.P. No. 17944 of 2002 and batch dated 25-6-2003, directed respondent No.3-Corporation to re-examine the matter and consider the feasibility of applying the roster backwards in respect of the employees belonging to Scheduled Castes and Scheduled Tribes, who are working as

Auxillary Assistants, which cadre was not abolished. It is the case of petitioner No.2 that the cadre of Mechanic Grade-III has not been abolished, and having regard to the fact that he belongs to Scheduled Caste, respondent No.3-Corporation should be directed to re-examine the matter and consider the feasibility of applying the roster backwards.

The learned Government Pleader for Agriculture and Cooperation appearing on behalf of respondent Nos. 1 and 2 and the learned Standing Counsel for respondent No.3-Corporation submitted that the cadre of Mechanic Grade-III has not been abolished.

Inasmuch as the cadre of Mechanic Grade-III has not been abolished, and having regard to the fact that petitioner No.2 belongs to Scheduled Caste, and having regard to the view taken by me in W.P.
No. 17944 of 2002 and batch dated 25-6-2003, as stated supra, the order dated 8-8-2003, insofar as it dismissed W.P. No. 351 of 2003 as against petitioner No.2, has to be set aside, and it is accordingly set aside, and now the writ petition is disposed of with the following directions:

Respondent No.3-Corporation shall re-examine the case of petitioner No.2 and consider the feasibility of applying the reservation roster backwards, in identifying the surplus employees for offering V.R.S. No costs.

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N.V.RAMANA, J

Date: 29.3.2005

KSR/DA

To

1 The Principal Secretary, Government of Andhra Pradesh,
Agriculture & Cooperation Department, A.P. Secretariat,

Hyderabad.

2 The Principal Secretary, Government of Andhra Pradesh,
Public Enterprise (PE Department), A.P. Secretariat,

Hyderabad.

3 The Vice Chairman and Managing Director, A.P. Agro Industries Development Corporation, Registered Office at

Agro Bhavan, Door No.10-2-3, A.C. Guards, Hyderabad.

4 The Regional Manager, Regional Office, A.P. Agro Industries

Development Corporation, Agro Bhavan, A.C.Guards, Hyderabad.

5 The Regional Manager, Nellore Region,

A.P. Agro Industries Development Corporation, Nellore.

6 Two CCs to the G.P. for Agrl. & Cooperation, High Court Buildings, Hyderabad (OUT).

7 Two CD copies.